

SENATE BILL 1677

By Herron

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 6 and Title 68, relative to immunization of  
school children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-5002, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The commissioner of health is authorized, subject to the approval of the public health council, to designate diseases against which children must be immunized prior to attendance at any public school, nursery school, kindergarten, preschool or child care facility of Tennessee.

(b)

(1) It is the responsibility of the parents or guardians of children to have their children immunized, as required by subsection (a).

(2) A parent or guardian may apply for a religious exemption to this section by providing the department of health with a notarized statement, affirmed under the penalties of perjury, prior to the beginning of each school year, that such immunization conflicts with the parent's or guardian's religious tenets and practices. The department of health may reject a religious exemption application only if the department determines that the exemption would cause undue risk to the community. The department of health shall provide the parent or guardian of any child whose religious exemption application is accepted with a certificate of exemption which shall be effective for no more than one (1) year as well as with appropriate and accurate medical information regarding the benefits of immunizations and the dangers of choosing not to immunize a child.

(3) A parent or guardian may apply for a medical exemption to this section by providing the department of health with a notarized statement from a licensed physician, affirmed under the penalties of perjury, prior to the beginning of each school year that such immunization would be harmful to the child involved. The department of health may reject a medical exemption application if the department concludes that the reasons underlying the medical exemption application are not medically valid. The department of health shall provide the parent or guardian of any child whose medical exemption application is accepted with a certificate of exemption which shall be effective for no more than one (1) year.

(c)

(1) No child shall be permitted to attend any public school, nursery school, kindergarten, preschool or child care facility until proof of immunization or a certificate of exemption pursuant to subsection (b) is given to the admissions officer of the public school, nursery school, kindergarten, preschool or child care facility.

(2) No child or youth determined to be homeless shall be denied admission to any public school or school facility if the child or youth has not yet been immunized or is unable to produce immunization records due to being homeless. The enrolling school shall comply with any and all federal laws pertaining to the educational rights of homeless children and youth, including the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 1141 et seq.

(d) Each child attending any public school, nursery school, kindergarten, preschool or child care facility without furnishing proof of immunization or a certificate of

exemption pursuant to subsection (b) shall not be counted in the average daily attendance of students for the distribution of state school funds.

(e) The commissioner of education and the commissioner of health shall promulgate rules and regulations necessary to carry out this section.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.